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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,723	07/14/1999	JOHN EDWARD SILVERMAN	2260-010	3997

7590 07/07/2004

LOWELL W GRESHAM  
MESCHKOW & GRESHAM  
SUITE 409  
5727 NORTH SEVENTH STREET  
PHOENIX, AZ 85014

EXAMINER

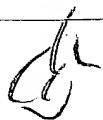
POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

Application No.

09/353,723

Applicant(s)

SILVERMAN, JOHN EDWARD

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (US Patent No. 6,347,302).

As per claims 1, 12-14, 16 and 20, Joao discloses an apparatus and method for processing lease insurance information comprising providing lease insurance and:  
leasing said item to a customer in a first financial transaction so that the customer is thereafter obligated to make periodic lease payments to a merchant; (column 9, lines 15-25);  
establishing reserve credit account (RCA) for the customer with the merchant; (column 9, lines 15-25).

Recording the accumulation of funds in the RCA in response to payments voluntarily given to the merchant by the customer after the first financial transaction, the establishing and recording operations being performed using a computer system is not explicitly stated by Joao. However, the Examiner notes that recording funds given by the customer after the financial transaction would have been obvious to one of ordinary skill in the art at the time of the invention because Joao uses a computer, and recording payments given by a customer to a

merchant is usual business practice that would have been performed for accounting, customer inquiries and record keeping purposes.

The customers in the system of Joao may enter into subsequent transactions any number of time as the customer is not limited to perform only a single transaction with the merchant. Furthermore, it is noted that the customer is given the option to purchase the leased item during or after the lease term. See column 13, lines 43-53 of Joao.

The step of engaging a second financial transaction between the customer and the merchant, the second financial transaction occurring after the first financial transaction and involving one of the item and another item at the option of said customer is enabled in the system of Joao since the customer has the option to purchase the leased item or any other items. See column 13, lines 43-53 of Joao.

If the customer is opted to finish paying the full cost of the item or another item, transferring affected ownership rights of the one of the item and another item to the customer in response to the second financial transaction would have been obvious to the one of ordinary skill in the art to do since the customer would have then paid for the item.

The second financial transaction causing funds recorded the RCA to be reduced would have been obvious to one of ordinary skill in the art since payments are made.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Joao to include these features therein in order to present various options to the customer and also to provide record keeping and accounting in the system of Joao.

As per claim 2, Joao discloses the process additionally comprises setting a purchase price for the item as a part of the first transaction, and the leasing operation comprises:

establishing lease term; and bestowing upon the customer an option to purchase the item from the merchant for the purchase price during the lease term. See column 13, lines 43-53 of Joao.

As per claim 3, Joao does not explicitly disclose the term-establishing operation establishes a minimum lease term, and the bestowing operation bestows upon the customer an option to terminate the lease prior to the minimum lease term upon payment of an early termination fee. However, it is noted that Joao allows a customer with the option to purchase the item during and/or after the lease term thus setting a minimum lease term. Payment of an early termination fee of a lease term would have been obvious to do in the system of Joao because the customer has breached his/her contract with the merchant.

As per claims 4, 8 and 17, accumulation of funds has been discussed above in respect to claim 1.

As per claims 5-7, see the teachings of Joao.

As per claims 9-10, Joao teaches providing insurance to cover loss, damage and repair of the item.

As per claims 11 and 18, removing the obligation to make subsequent periodic lease payments upon a return of the item to the merchant during the lease term would have been obvious to one of ordinary skill in the art to do in the system of Joao because the customer would be under no further obligation.

As per claim 15, posting lease payments to accounts for rent and sales tax as lease payments are received would have been obvious to one of ordinary skill in the art to do in the system of Joao for accounting and tax reporting purposes.

As per claim 19, occasionally sending statements to the customer indicating quantities of funds in the RCA for the customer or the amount paid by the customer would have been obvious to one of ordinary skill in the art at time of the invention so that the customer is informed of the amount currently owed or be updated with his/her account.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

June 21, 2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
Au 3628